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4 UNITED STATES DISTRICT COURT  
5 DISTRICT OF NEVADA

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7 UNITED STATES OF AMERICA,

8 Plaintiff,

Case No. 2:15-CR-0328-KJD-VCF

ORDER

9 v.

10 DWAYNE SMITH,

11 Defendant.

12 Presently before the Court is Defendant's Motion for Early Termination of Supervised  
13 Release (#11). The Government filed Notice of Non-opposition (#13) to the motion for early  
14 termination.

15 A district court enjoys "broad discretion" when, after it takes into account the statutorily  
16 required factors, it discharges a defendant's supervised release. United States v. Jeanes, 150  
17 F.3d 483, 484 (5th Cir. 1998). The defendant, however, bears the burden of demonstrating that  
18 early termination of his supervised release is justified. See United States v. Weber, 451 F.3d 552,  
19 559 n. 9 (9th Cir. 2006).

20 Title 18 U.S.C. § 3583(e) states:(e) Modification of conditions or revocation. The court  
21 may, after considering the factors set forth in section 3553(a)(1), (a)(2)(B), (a)(2)(C), (a)(2)(D),  
22 (a)(4), (a)(5), (a)(6), and (a)(7):

23 (1) terminate a term of supervised release and discharge the  
24 defendant released at any time after the expiration of one year of  
25 supervised release, pursuant to the provisions of the Federal Rules  
26 of Criminal Procedure relating to the modification of probation, if it  
is satisfied that such action is warranted by the conduct of the  
defendant released and the interests of justice[.]


27 The Court has considered the following factors under 18 U.S.C. §§ 3553(a): (1) the  
28 nature and circumstances of the offense and the history and characteristics of the defendant; (2)

1 deterrence; (3) protection of the public; (4) the need to provide the defendant with educational,  
2 vocational training, medical care or other rehabilitation; (5) the sentence and sentencing range  
3 established for the category of defendant; (6) any pertinent policy statement by the Sentencing  
4 Commission; (7) the need to avoid unwarranted sentence disparities among defendants with  
5 similar records who have been found guilty of similar conduct; and (8) the need to provide  
6 restitution to any victims of the offense. See 18 U.S.C. §§ 3553(a)(1), (a)(2)(B), (a)(2)(C),  
7 (a)(2)(D), (a)(4), (a)(5), (a)(6), and (a)(7).

8 Defendant began a five-year term of supervised release on May 20, 2015. Defendant has  
9 completely complied with the terms of supervised release. Before this conviction he had no to  
10 little criminal history. Defendant owes no fines or restitution. He has maintained stable  
11 employment and a stable residence. Neither the government nor the supervising probation officer  
12 oppose early termination. Therefore, having considered the statutory and advisory factors  
13 promulgated by the Judicial Conference, the Court finds the termination of supervision is  
14 warranted by conduct of Defendant and the interests of justice.

15 Accordingly, IT IS HEREBY ORDERED that Defendant's Motion Early Termination of  
16 Supervised Release (#11) is **GRANTED**.

17 Dated this 13th day of March, 2019.

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20 Kent J. Dawson  
21 United States District Judge  
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